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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**

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9 Mark E. Dixon,

10 Plaintiff,

11 v.

12 Pinal County, a political subdivision; James  
13 Walsh, Pinal County Attorney, in his  
14 official capacity; and Paul Babeu, Pinal  
15 County Sheriff, in his official capacity,

16 Defendants.

No. CV-10-325-PHX-DGC

**ORDER**

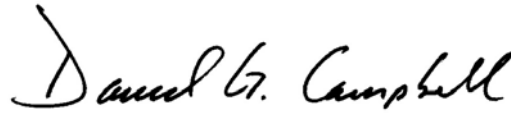
17 Plaintiff Mark Dixon has filed a motion for reconsideration. Doc. 122. The  
18 motion is brought under Federal Rule of Civil Procedure 60(b)(2) and (3), and will be  
19 denied as untimely.

20 A motion brought under Rule 60(b)(2) or (3) must be brought “no more than a  
21 year after the entry of the judgment or order or the date of the proceeding.” Fed. R. Civ.  
22 P. 60(c)(1). The judgment in this case was entered on July 7, 2011. Doc. 115. Plaintiff’s  
23 motion was filed on July 9, 2012, more than one year later. Doc. 122. The one-year time  
24 period of Rule 60(c)(1) is absolute and may not be extended by the Court. *See The Tool*  
25 *Box, Inc. v. Ogden City Corp.*, 419 F.3d 1084, 1088 (10th Cir. 2005); *Warren v. Garvin*,  
26 219 F.3d 111, 114 (2d Cir. 2000) (citing 12 James Wm. Moore, *Moore’s Federal*  
27 *Practice*, ¶ 60.65[2][a], at 60-200 (3d ed.1997)). Because Plaintiff’s motion is untimely,  
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1 it will be denied.<sup>1</sup>

2 **IT IS ORDERED** that Plaintiff's motion for reconsideration (Doc. 122) is  
3 **denied.**

4 Dated this 11th day of July, 2012.

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9 David G. Campbell  
10 United States District Judge  
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25 <sup>1</sup> Even if timely, Plaintiff's motion would be denied. Plaintiff purports to present  
26 newly discovered evidence that concerns the motives and actions of a superior court  
27 judge who was never named as a defendant in this case. The Court would not have  
28 permitted Plaintiff to amend his complaint to assert claims against this individual at the  
late date of the summary judgment stage; the evidence would not have been likely to  
change the disposition of this case without this individual as a defendant, and therefore  
would be insufficient under Rule 60(b)(2), *see Jones v. Aero/Chem Corp.*, 921 F.2d 875,  
878 (9th Cir. 1990); and the evidence would not prove by clear and convincing evidence  
that summary judgment was obtained in this case through fraud, misrepresentation, or  
other misconduct as required by Rule 60(b)(3), *see id.*